IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16062 of 2004

Between:

1 M.J.Narasimheswar M.Raja Rao
R/o. 3-6-683/F2 Parvathi Apartments
Himayatnagar, Hyderabad.
2 Mr.M.R.Phanindra S/o.M.J.Narasimheswar
R/o. 3-6-683/F2 Parvathi Apartments
Himayatnagar, Hyderabad.

..... PETITIONERS

AND

1 The Joint Transport Commissioner Ex-Officio, Secretary to Regional . Transport Authority,Hyderabad District , Somajiguda, Hyderabad.
2 Regional Transport Authority (RTA) Hyderabad District, Somajiguda, . Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or orders or directions particularly in the nature of writ of mandamus declaring the action of the respondents for not issuing Driving Licence under the Act to the 2nd Peittioner as illegal, contrary to law, violative of principles of natural justice, and violative of Art 14 and 21 of the Constitution of India besides violative of Statutory Act and its Rules and consequentially directing the respondents herein to issue permanent Driving Licence in accordance with law..

Counsel for the Petitioner:MR.M.V.RAJA RAM

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

ORDER:

Petitioner No.2 claims that he applied for driving licence of light motor vehicle on 3-7-2004 to the 2nd respondent. He submits that he lost the vision of his left eye at the age of 3 ½ years on account of an injury and the vision of his left eye is defective. The petitioner No.2 contends that the 2nd respondent retained the application and did not issue learners licence to the 2nd petitioner despite repeated requests. Except that he has defective left eye, he is discharging his duties without any assistance and his vision is good for driving the vehicle. The petitioner no.2 contends that the loss of one eye does not fall under any of the disqualifications mentioned in the provisions of the Motor Vehicles Act, 1988 or Motor vehicles Rules, 1989. The petitioner no.2 contends that he is not barred from getting valid driving licence. The 2nd respondent retained the application of the 2nd petitioner in gross violation of the provisions of the Act and Rules. Therefore, he approached this Court through this Writ Petition seeking a direction to the 2nd respondent to pass appropriate orders on his application for licence.

In the light of the circumstances explained by the 2nd petitioner, the 2nd respondent is directed to pass appropriate orders on the application of the petitioner no.2, dated 3-7-2004 made for granting driving licence of light Motor Vehicle, according to the Rules.

Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.Yethirajuly, J.

9th September, 2004.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Transport Commissioner Ex-Officio, Secretary to Regional . Transport Authority,Hyderabad District , Somajiguda, Hyderabad.
2 Regional Transport Authority (RTA) Hyderabad District, Somajiguda, . Hyderabad.

3 2CCs to G.P. for Transport, High Court Buildings, Hyderabad. (OUT)

2. 2CD copies

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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9th September, 2004